REMARKS/ARGUMENTS

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 4-16 are pending in the above-identified application, Claims 4, 10, and 11 having been amended, and Claim 9 having been canceled without prejudice or disclaimer by way of the present amendment. No new matter is added.[1]

In the outstanding Office Action, Claims 4-16 were rejected under 35 U.S.C. § 102(a) as anticipated by Karjalainen (U.S. Pat. Pub. No. 2002/0176438, hereinafter "Karjalainen").

By way of background, Applicants describe on pages 3-4 of the specification a conventional method for selecting a channelization code, as shown in Applicants' Fig. 3. Conventionally, a radio resource selection unit for frequency band f1 tries to select a channelization code belonging to the ***primary*** scrambling code of ***f1***. If that selection fails, the same radio resource selection unit for frequency band f1 tries to select a channelization code belonging to the ***secondary*** scrambling code of ***f1***. If that selection fails, a radio resource selection unit for frequency band ***f2*** tries to select a channelization code belonging to the ***primary*** scrambling code of ***f2*** and tries to select a channelization code belonging to the ***secondary*** scrambling code of ***f2***. Thus, since the selection trial of a channelization code belonging to the secondary scrambling code of frequency band f1 is carried out before the selection trial of a channelization code belonging to the primary scrambling code of frequency band f2, channelization codes belonging to the secondary scrambling code are selected more frequently in the cell of frequency band f1 using the conventional selection method.

Amended Claim 4 recites a radio control device for controlling a plurality of base stations, comprising:

[1] Support for the amendments to Claims 4, 10, and 11 is found in the specification at least on pages 13-17.

a plurality of channelization code selection means for selecting, in the following order, a channelization code for a mobile station from

(1) a first set of channelization codes belonging to a primary scrambling code in a cell of a first frequency,
(2) a primary scrambling code in a cell of a second frequency,
(3) a second set of channelization codes belonging to a secondary scrambling code in the cell of the first frequency, or
(4) a secondary scrambling code in the cell of the second frequency; and

assignment means for assigning a selected channelization code to the mobile station.

Applicants describe, for example, on pages 1 and 7-8 of the specification that, in a radio communication system where multiple radio access using spectrum spread is made between a mobile station and a base station and a plurality of cells with different frequency bands existing at the same location, when selection of a spread code is unsuccessful, another selection is attempted under a different condition. This prevents the situation where interference components are increased and the capacity of a particular cell is reduced by the use of spread codes for one cell under a plurality of conditions (e.g., the channelization code belonging to the primary scrambling code and the channelization code belonging to the secondary scrambling code are both used for one cell). As a result, reduction of the system capacity is prevented. Additionally, the probability of selecting spread codes for different cells is increased, and interference between the selected spread codes for the different cells is irrelevant because the frequency bands differ between the different cells.

Turning to the applied reference, Karjalainen is directed to selecting spreading codes used in a CDMA mobile telephone system such that the capacity for separating user signals remains as high as possible, particularly when clipping a combination signal so as to eliminate power peaks. More specifically, Karjalainen describes selecting a spreading code by starting at the highest level in a single code tree. According to Karjalainen, spreading codes are allocated to terminal equipment from the single code tree having hierarchical levels. Code tree spreading codes according to a certain spreading factor are located on the

same level, the levels being arranged with the level of the lowest spreading factor being located highest in the tree and the rest of the levels being located below the highest level in an order according to the spreading factor.

According to Karjalainen, the process of searching for a level of the code tree starts traversing the code tree level by level, beginning at the highest level. That is, if a high-rate user enters the system and no spreading code is automatically found for the user on a desired level, the system reallocates spreading codes to the users such that spreading codes subordinate to the spreading code to be allocated to the high-rate user become free. However, the reallocated codes are always part of the same, single tree, thus, there is no "second frequency."

However, Karjalainen does not disclose or suggest selecting, in the following order, a channelization code for a mobile station in the order from "(1) a first set of channelization codes belonging to a primary scrambling code in a cell of a first frequency, (2) a primary scrambling code in a cell of a second frequency, (3) a second set of channelization codes belonging to a secondary scrambling code in the cell of the first frequency, and (4) a secondary scrambling code in the cell of the second frequency," as recited in amended Claim 4.

Therefore, Karjalainen does not disclose or suggest "a radio control device," as defined in independent Claim 4.

Consequently, Karjalainen does not disclose or suggest all of the elements in amended Claim 4. M.P.E.P. § 2131 requires for anticipation that each and every feature of the claimed invention must be shown in as complete detail as is contained in the claim. Accordingly, it is respectfully submitted that Karjalainen does not anticipate independent Claim 4.

Therefore, independent Claim 4 (and Claims 5-9 dependent therefrom) is believed to patentably define over Karjalainen.

Independent Claims 9 and 10, while differing in scope and statutory class from Claim 4, patentably define over Karjalainen for substantially the same reasons as Claim 4. Accordingly, it is respectfully submitted that Karjalainen does not anticipate or render obvious the features of independent Claims 9 and 10. Therefore, independent Claims 9 and 10 (and Claims 12-16 dependent from Claim 10) are believed to patentably define over Karjalainen.

Consequently, in view of the present amendment and in light of the above discussions, the outstanding grounds for rejection are believed to have been overcome. The application as amended herewith is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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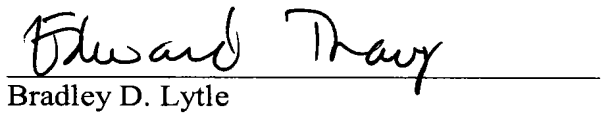

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